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*Attorneys for Plaintiff BNSF Railway Company*

(Counsel for Defendants listed on signature page)

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION

BNSF RAILWAY COMPANY,

Plaintiff,

vs.

ALAMEDA COUNTY,  
CONTRA COSTA COUNTY,  
FRESNO COUNTY,  
KERN COUNTY,  
KINGS COUNTY,  
MADERA COUNTY,  
MERCED COUNTY,  
ORANGE COUNTY,  
PLUMAS COUNTY  
RIVERSIDE COUNTY,  
SAN BERNARDINO COUNTY,  
SAN DIEGO COUNTY,  
SAN JOAQUIN COUNTY,  
STANISLAUS COUNTY, and  
TULARE COUNTY, CALIFORNIA,

Defendants.

Case No. 4:19-cv-07230-HSG

**STIPULATION AND ORDER  
VACATING CASE  
MANAGEMENT CONFERENCE**

Judge: Hon. Haywood S. Gilliam, Jr.

**STIPULATION**

The parties to the above entitled action, by and through their respective counsel of record, hereby stipulate as follows:

WHEREAS, proceedings in this Court are stayed until a Case Management Conference is held;

WHEREAS, this Court has scheduled a Case Management Conference for February 22, 2022;

WHEREAS, the parties have prepared a stipulated settlement and proposed final judgment, which is in the process of being submitted to the Counties' Boards of Supervisors for approval;

WHEREAS, the parties estimate that the Counties' Boards of Supervisors' processes will be complete by the end of March, 2022;

WHEREAS, the parties believe that the interest of judicial economy and the convenience of the parties would be served by vacating the Case Management Conference currently set for February 22, 2022 to allow the parties to obtain approval of a proposed final judgment;

WHEREAS, the parties agree that a new date for the Case Management Conference should be set by order of this Court on or after April 11, 2022;

NOW THEREFORE, IT IS STIPULATED AND AGREED, by and between Plaintiff and Defendants, and subject to approval of the Court, that:

(1) The Case Management Conference currently set for February 22, 2022 should be vacated;

(2) A Case Management Conference should be held at the further direction of the Court; and

(3) The parties shall submit a Joint Case Management Statement not less than seven calendar days prior to the newly scheduled Case Management Conference, consistent with this Court's Standing Order for Civil Cases.

1 Pursuant to Local Civil Rule 6-2(a)(2), the parties disclose that they previously  
2 agreed, and this Court ordered, (1) that the Case Management Conference scheduled for January 4,  
3 2021 should be vacated; (2) that the Case Management Conference scheduled for November 16,  
4 2021 should be vacated; (3) that the deadline for the parties to file a Joint Case Management  
5 Statement should be extended to November 9, 2021; (4) that proceedings in this Court on remand  
6 from the Ninth Circuit should be stayed until a Case Management Conference can be held, and  
7 that the parties would submit a Joint Case Management Statement on or before October 29, 2021;  
8 (5) that the deadline for Defendants to file their Opposition to Plaintiff's Motion for Preliminary  
9 Injunction should be extended to February 3, 2020 and the deadline for Plaintiff to file its Reply in  
10 support of its Motion for Preliminary Injunction should be extended to February 20, 2020; (6) that  
11 the deadline for Defendants to file their Opposition to Plaintiff BNSF's Motion for Preliminary  
12 Injunction should be extended to February 10, 2020, and (7) that the Case Management  
13 Conference should be continued to March 5, 2020 to coincide with the hearing on Plaintiff  
14 BNSF's Motion for Preliminary Injunction, and the parties' Case Management Statement  
15 including the Rule 26(f) report should be filed by February 27, 2020. In addition, the parties  
16 previously agreed to extend Defendants' deadline to respond to the Complaint to January 31, 2020  
17 and then to February 14, 2020.

1 DATED: February 11, 2022

MUNGER, TOLLES & OLSON LLP

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3 By: /s/ Gabriel M. Bronshteyn

4 BENJAMIN J. HORWICH

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10 *Attorneys for Plaintiff BNSF Railway Company*

11 DATED: February 11, 2022

OLSON REMCHO, LLP

12  
13 By: /s/ Margaret R. Prinzing

14 Margaret R. Prinzing

15 Attorney for Defendants County of Alameda,  
County of Contra Costa, County of Fresno,  
16 County of Kern, County of Madera, County of  
Merced, County of Orange, County of Plumas,  
17 County of Riverside, County of San Bernardino,  
County of San Joaquin, County of Stanislaus, and  
18 County of Tulare

19  
20 DATED: February 11, 2022

COUNTY COUNSEL, SAN DIEGO COUNTY

21 By: /s/ Laura E. Dolan

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27 Attorney for Defendant County of San Diego

IT IS SO ORDERED.

  
HON. HAYWOOD S. GILLIAM, JR.

UNITED STATES DISTRICT JUDGE